IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11295 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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M S BILVAL

Versus

STATE OF GUJARAT

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Appearance:

1. Special Civil Application No. 11295 of 1993

MR PV HATHI for Petitioner No. 1-3

Mr. LR Poojari, AGP for Respondent No. 1-2

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CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 26/03/2004

ORAL JUDGEMENT

In the present Special Civil Application under Article 226 of the Constitution of India the petitioners, who were working as Clerks in the Office of Collector, Panchmahals at Godhra, have prayed for an appropriate order directing the respondents to issue necessary orders with regard to posting on the vacant posts and/or

supernumerary posts of Clerks. They have also prayed for an appropriate writ or order directing the respondents to pay the arrears of salary which was due and payable from April 1993 to September 1993.

2. The present Special Civil Application came up for hearing before this Court (Coram: K.G. Shah, J. ) on 2.12.1993 and this Court passed the following order;

"Rule returnable on 12.1.1994.

2. Respondent No.2 the Collector, Panch Mahals, has made a proposal to the State Government to see that the arrears of the salary of the petitioners are paid. The proposal is said to have been made somewhere in April 1993. About 7 months have elapsed since the proposal is made, and yet the petitioners have not been paid their salary. This shows a very sorry state of affairs. Hence it is peremptorily directed that the State of Gujarat - Respondent No.1 shall do whatever is necessary to be done, and see to it that the petitioners are paid the arrears of their salary latest by 6.1.1994. The matter shall appear on board on 12.1.1994."

3. Today, when the matter is called out for Final Hearing, Ms. Kyati Hathi for Mr. PV Hathi, learned advocate submits that all the petitioners are given postings on permanent posts during the pendency of the present Special Civil Application. She further submits on instructions from her clients that they are already paid their salaries for the period from April 1993 to September 1993 and therefore nothing is required to be done by now in the present Special Civil Application. The petition may be disposed of as having become infructuous. In view of the aforesaid facts, as the grievances of the petitioner do not survive now, the Special Civil Application is disposed of accordingly with no order as to costs. Rule is discharged.

rmr. [ M.R. Shah, J. ]